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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of Accusation and Petition to
Revoke Probation Against:

Case No. 2005-36

13 **STEPHANIE SUZANNE BARTOK**
14 1009 Kenmore Lane
Santa Rosa, CA 95407

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

15 Registered Nurse License No. 536461

16
17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation and
22 Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board
23 of Registered Nursing, Department of Consumer Affairs.

24 2. On or about September 8, 1997, the Board of Registered Nursing (Board)
25 issued Registered Nurse License No. 536461 to Stephanie Suzanne Bartok (Respondent). The
26 license will expire on December 31, 2008, unless renewed.

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nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.”

8. Title 16, California Code of Regulations, section 1444, provides, in relevant part that a conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Conviction - Substantially Related Crime)

10. Respondent is subject to disciplinary action under section 2761(f) of the Code, in that she was convicted of a criminal offense which is substantially related to the qualifications, functions or duties of a registered nurse, as defined in Title 16, California Code of Regulations, section 1444, as follows:

a. On or about June 14, 2007, in a criminal proceeding entitled *The People of the State of California vs. Stephanie Bartok*, Superior Court of California, County of Santa Rosa, Case Number SCR503303, Respondent was convicted of violating Vehicle Code section 12500(A)(driving without a license), a misdemeanor. Respondent was issued a fine.

/ / /

1 a. On or about July 6, 2006, in a criminal proceeding entitled *The People of*
2 *the State of California vs. Stephanie Bartok*, Superior Court of California, County of Santa Rosa,
3 Case Number SCR463882, Respondent was convicted of violating Vehicle Code section
4 14601.1(A) (driving with a suspended license), a misdemeanor.

5 b. Respondent was sentenced to 2 years probation and 30 days in county jail.

6 **PETITION TO REVOKE PROBATION**

7 **FIRST CAUSE TO REVOKE PROBATION**

8 **(Obey all Laws)**

9 14. At all times after the effective date of Respondent's probation, Probation
10 Condition No. 1 stated:

11 **Obey All Laws.** Respondent shall obey all federal, state and local laws.
12 A full and detailed account of any and all violations of law shall be
13 reported by Respondent to the Board in writing within seventy-two (72)
14 hours of occurrence. To permit monitoring of compliance with this
condition, Respondent shall submit completed fingerprint forms and
fingerprint fees within 45 days of the effective date of the decision,
unless previously submitted as part of the licensure application process.

15 **Criminal Court Orders:** If Respondent is under criminal court orders,
16 including probation or parole, and the order is violated, this shall be deemed
a violation of these probation conditions, and may result in the filing of an
accusation and/or petition to revoke probation.

17 15. Respondent's probation is subject to revocation because she failed to
18 comply with Probation Condition No. 1, referenced above. Respondent failed to obey all laws as
19 follows:

20 a. On or about July 6, 2006, Respondent was convicted of obtaining a
21 controlled substance by fraud, as set forth in paragraph 11, above.

22 b. On or about July 6, 2006, Respondent was convicted of threatening to
23 commit a crime with the intent to terrorize a person, as set forth in paragraph 12, above.

24 c. On or about July 6, 2006, Respondent was convicted of driving with a
25 suspended license, as set forth in paragraph 13, above.

26 d. On or about June 14, 2007, Respondent was convicted of driving without a
27 license, as set forth in paragraph 10, above.
28

Further, Respondent failed to submit to the Board a full and detailed account of her convictions in writing, within seventy-two (72) hours of occurrence.

SECOND CAUSE TO REVOKE PROBATION

(Failed to Submit Written Reports)

16. At all times after the effective date of Respondent's probation, Probation Condition No. 6 stated:

Submit Written Reports. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verifications of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as required by the Board or its representatives. Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

17. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 6, referenced above, in that she failed to submit her Quarterly Report, which was due on April 10, 2007.

THIRD CAUSE TO REVOKE PROBATION

(Failed to Submit Physical Examination)

18. At all times after the effective date of Respondent's probation, Probation Condition No. 15 stated:

Physical Examination. Within 45 days of the effective date of this Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume

1 practice until notified by the Board. During this period of suspension,
2 Respondent shall not engage in any practice for which a license issued
3 by the Board is required until the Board has notified Respondent that a
4 medical determination permits Respondent to resume practice. This
5 period of suspension will not apply to the reduction of this probationary time
6 period.

7 If Respondent fails to have the above assessment submitted to the Board
8 within the 45-day requirement, Respondent shall immediately cease
9 practice and shall not resume practice until notified by the Board. This
10 period of suspension will not apply to the reduction of this probationary
11 time period. The Board may waive or postpone this suspension only if
12 significant, documented evidence of mitigation is provided. Such evidence
13 must establish good faith efforts by Respondent to obtain the assessment,
14 and a specific date for compliance must be provided. Only one such waiver
15 or extension may be permitted.

16 19. Respondent's probation is subject to revocation because she failed to
17 comply with Probation Condition No. 15, referenced above, in that Respondent failed to submit
18 to the Board a physical health assessment by the extended due date of December 31, 2005.

19 **FOURTH CAUSE TO REVOKE PROBATION**

20 **(Failed to Submit to Tests and Samples)**

21 20. At all times after the effective date of Respondent's probation, Probation
22 Condition No. 18 stated:

23 **Submit to Tests and Samples.** Respondent, at her expense, shall
24 participate in a random, biological fluid testing or a drug screening
25 program which the Board approves. The length of time and frequency
26 will be subject to approval by the Board. Respondent is responsible
27 for keeping the Board informed of Respondent's current telephone
28 number at all times. Respondent shall also ensure that messages
may be left at the telephone number when she is not available and
ensure that reports are submitted directly by the testing agency to the
Board, as directed. Any confirmed positive finding shall be reported
immediately to the Board by the program and Respondent shall be
considered in violation of probation. In addition, Respondent, at
any time during the period of probation, shall fully cooperate with the
Board or any of its representatives, and shall, when requested, submit to
such tests and samples as the Board or its representatives may require for the
detection of alcohol, narcotics, hypnotics, dangerous drugs, or
other controlled substances. If Respondent has a positive drug screen
for any substance not legally authorized and not reported to the
coordinating physician, nurse practitioner, or physician assistant, and the
Board files a petition to revoke probation or an accusation, the Board
may suspend Respondent from practice pending the final decision on
the petition to revoke probation or the accusation. This period of
suspension will not apply to the reduction of this probationary time
period. If Respondent fails to participate in a random, biological fluid
testing or drug screening program within the specified time frame,

Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

21. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 18, referenced above, in that as of January 16, 2006, the Board has been unable to perform drug screening on Respondent because of her failure to complete the enrollment process at Compass Vision, the drug screening program.

FIFTH CAUSE TO REVOKE PROBATION

(Failed to Undergo Mental Health Examination)

22. At all times after the effective date of Respondent's probation, Probation Condition No. 19 stated:

Mental Health Examination. Respondent shall, within 45 days of the effective date of this Decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendation to the Board. All costs are the responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by Respondent.

If Respondent is determined to be unsafe to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's Office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a

specific date for compliance must be provided. Only one such waiver or extension may be permitted.

23. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 19, referenced above, in that she failed to submit to the Board a mental health assessment in a timely manner. The assessment was due by December 31, 2005, yet it was submitted to the Board on November 29, 2006.

SIXTH CAUSE TO REVOKE PROBATION

(Failed to Complete Therapy)

24. At all times after the effective date of Respondent's probation, Probation Condition No. 20 stated:

Therapy or Counseling Program. Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

25. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 20, referenced above, in that she failed to submit any verification of therapy or counseling.

SEVENTH CAUSE TO REVOKE PROBATION

(Failed to Fully Comply With Probation Program)

26. At all times after the effective date of Respondent's probation, Probation Condition No. 3 stated:

Comply with the Board's Probation Program. Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension. Upon successful completion of probation, Respondent's license shall be full restored.

27. Respondent's probation is subject to revocation because she failed to comply with Probation Condition #3, referenced above, in that she failed to inform the Board in writing within 15 days of her address change. Further, on or about November 23, 2005,

1 Respondent was advised the she was required to maintain an active, current license with the
2 Board. Nonetheless, Respondent did not renew her license until January 23, 2007. Finally,
3 Respondent failed to comply with Conditions No. 1, No. 6, No. 15, No. 18, No. 19., and No. 20,
4 as set forth above.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


8 1. Revoking the probation that was granted by the Board of Registered
9 Nursing in Accusation No. 2005-36 and imposing the disciplinary order that was stayed thereby
10 revoking Registered Nurse License No. 536461 issued to Stephanie Suzanne Bartok;

11 2. Revoking or suspending Registered Nurse License No. 536461 issued to
12 Stephanie Suzanne Bartok;

13 3. Ordering Stephanie Suzanne Bartok to pay the reasonable costs incurred
14 by the Board in the investigation and enforcement of this case pursuant to Business and
15 Professions Code section 125.3;

16 4. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 11/15/07

19 
20 RUTH ANN TERRY, M.P.H., R.N.
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant
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Exhibit A
Decisions and Order
Board of Registered Nursing Case No. 2005-36

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

STEPHANIE SUZANNE BARTOK
3637 Sonoma Ave #168
Santa Rosa, CA 95403

1772 Piner Rd #15
Santa Rosa, CA 95403

Registered Nurse License No. 536461

Respondent

Case No. 2005-36


OAH No. N2004100178

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on October 24, 2005.

IT IS SO ORDERED September 23, 2005.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BILL LOCKYER, Attorney General
of the State of California
REBECCA HEINSTEIN, State Bar No. 173202
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

STEPHANIE SUZANNE BARTOK
3637 Sonoma Avenue, #168
Santa Rosa, CA 95403

Registered Nurse License No. 536461

Respondent.

Case No. 2005-36

OAH No. N2004100178

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
the Board of Registered Nursing. She brought this action solely in her official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by
Rebecca Heinstein, Deputy Attorney General.

2. Stephanie S. Bartok (Respondent) is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about September 8, 1997, the Board of Registered Nursing issued
Registered Nurse License No. 536461 to Stephanie S. Bartok (Respondent). The license expired
on December 31, 2004 and has not been renewed.

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JURISDICTION

4. Accusation No. 2005-36 was filed before the Board of Registered Nursing (“Board”), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 9, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2005-36 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2005-36. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2005-36.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing

1 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

2 **CONTINGENCY**

3 11. The parties understand and agree that facsimile copies of this Stipulated
4 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
5 force and effect as the originals.

6 12. In consideration of the foregoing admissions and stipulations, the parties
7 agree that the Board may, without further notice or formal proceeding, issue and enter the
8 following Disciplinary Order:

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Registered Nurse License No. 536461 issued to
11 Respondent Stephanie S. Bartok (Respondent) is revoked. However, the revocation is stayed and
12 Respondent is placed on probation for three (3) years on the following terms and conditions.

13 **Severability Clause.** Each condition of probation contained herein is a separate
14 and distinct condition. If any condition of this Order, or any application thereof, is declared
15 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
16 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
17 and enforceable to the fullest extent permitted by law.

18 1. **Actual Suspension of License.** Respondent is suspended from the
19 practice of registered nursing for twelve (12) months beginning the effective date of this
20 Decision.

21 During the suspension period, all probation conditions are in full force and effect
22 except those relating to actual nursing practice. This period of suspension will not apply to the
23 reduction of this probationary time period.

24 2. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
25 A full and detailed account of any and all violations of law shall be reported by Respondent to
26 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
27 compliance with this condition, Respondent shall submit completed fingerprint forms and
28 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted

1 as part of the licensure application process.

2 **Criminal Court Orders:** If Respondent is under criminal court orders, including
3 probation or parole, and the order is violated, this shall be deemed a violation of these probation
4 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

5 3. **Comply with the Board's Probation Program.** Respondent shall fully
6 comply with the conditions of the Probation Program established by the Board and cooperate
7 with representatives of the Board in its monitoring and investigation of the Respondent's
8 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
9 within no more than 15 days of any address change and shall at all times maintain an active,
10 current license status with the Board, including during any period of suspension.

11 Upon successful completion of probation, Respondent's license shall be fully
12 restored.

13 4. **Report in Person.** Respondent, during the period of probation, shall
14 appear in person at interviews/meetings as directed by the Board or its designated
15 representatives.

16 5. **Residency, Practice, or Licensure Outside of State.** Periods of
17 residency or practice as a registered nurse outside of California shall not apply toward a reduction
18 of this probation time period. Respondent's probation is tolled, if and when she resides outside
19 of California. Respondent must provide written notice to the Board within 15 days of any change
20 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
21 returning to practice in this state.

22 Respondent shall provide a list of all states and territories where she has ever been
23 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
24 provide information regarding the status of each license and any changes in such license status
25 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
26 new nursing license during the term of probation.

27 6. **Submit Written Reports.** Respondent, during the period of probation,
28 shall submit or cause to be submitted such written reports/declarations and verification of actions

1 under penalty of perjury, as required by the Board. These reports/declarations shall contain
2 statements relative to Respondent's compliance with all the conditions of the Board's Probation
3 Program. Respondent shall immediately execute all release of information forms as may be
4 required by the Board or its representatives.

5 Respondent shall provide a copy of this Decision to the nursing regulatory agency
6 in every state and territory in which she has a registered nurse license.

7 **7. Function as a Registered Nurse.** Respondent, during the period of
8 probation, shall engage in the practice of registered nursing in California for a minimum of 24
9 hours per week for 6 consecutive months or as determined by the Board.

10 For purposes of compliance with the section, "engage in the practice of registered
11 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
12 work in any non-direct patient care position that requires licensure as a registered nurse.

13 The Board may require that advanced practice nurses engage in advanced practice
14 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
15 Board.

16 If Respondent has not complied with this condition during the probationary term,
17 and Respondent has presented sufficient documentation of her good faith efforts to comply with
18 this condition, and if no other conditions have been violated, the Board, in its discretion, may
19 grant an extension of Respondent's probation period up to one year without further hearing in
20 order to comply with this condition. During the one year extension, all original conditions of
21 probation shall apply.

22 **8. Employment Approval and Reporting Requirements.** Respondent
23 shall obtain prior approval from the Board before commencing or continuing any employment,
24 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
25 performance evaluations and other employment related reports as a registered nurse upon request
26 of the Board.

27 Respondent shall provide a copy of this Decision to her employer and immediate
28 supervisors prior to commencement of any nursing or other health care related employment.

1 In addition to the above, Respondent shall notify the Board in writing within
2 seventy-two (72) hours after she obtains any nursing or other health care related employment.
3 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
4 terminated or separated, regardless of cause, from any nursing, or other health care related
5 employment with a full explanation of the circumstances surrounding the termination or
6 separation.

7 9. **Supervision.** Respondent shall obtain prior approval from the Board
8 regarding Respondent's level of supervision and/or collaboration before commencing or
9 continuing any employment as a registered nurse, or education and training that includes patient
10 care.

11 Respondent shall practice only under the direct supervision of a registered nurse
12 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
13 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
14 are approved.

15 Respondent's level of supervision and/or collaboration may include, but is not
16 limited to the following:

17 (a) Maximum - The individual providing supervision and/or collaboration is
18 present in the patient care area or in any other work setting at all times.

19 (b) Moderate - The individual providing supervision and/or collaboration is in
20 the patient care unit or in any other work setting at least half the hours Respondent works.

21 (c) Minimum - The individual providing supervision and/or collaboration has
22 person-to-person communication with Respondent at least twice during each shift worked.

23 (d) Home Health Care - If Respondent is approved to work in the home health
24 care setting, the individual providing supervision and/or collaboration shall have person-to-
25 person communication with Respondent as required by the Board each work day. Respondent
26 shall maintain telephone or other telecommunication contact with the individual providing
27 supervision and/or collaboration as required by the Board during each work day. The individual
28 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-

1 site visits to patients' homes visited by Respondent with or without Respondent present.

2 10. **Employment Limitations.** Respondent shall not work for a nurse's
3 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
4 traveling nurse, or for an in-house nursing pool.

5 Respondent shall not work for a licensed home health agency as a visiting nurse
6 unless the registered nursing supervision and other protections for home visits have been
7 approved by the Board. Respondent shall not work in any other registered nursing occupation
8 where home visits are required.

9 Respondent shall not work in any health care setting as a supervisor of registered
10 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
11 nurses and/or unlicensed assistive personnel on a case-by-case basis.

12 Respondent shall not work as a faculty member in an approved school of nursing
13 or as an instructor in a Board approved continuing education program.

14 Respondent shall work only on a regularly assigned, identified and predetermined
15 worksite(s) and shall not work in a float capacity.

16 If Respondent is working or intends to work in excess of 40 hours per week, the
17 Board may request documentation to determine whether there should be restrictions on the hours
18 of work.

19 11. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
20 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
21 than six months prior to the end of her probationary term.

22 Respondent shall obtain prior approval from the Board before enrolling in the
23 course(s). Respondent shall submit to the Board the original transcripts or certificates of
24 completion for the above required course(s). The Board shall return the original documents to
25 Respondent after photocopying them for its records.

26 12. **Cost Recovery.** Respondent shall pay to the Board costs associated with
27 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
28 amount of \$10,000.00. Respondent shall be permitted to pay these costs in a payment plan

1 approved by the Board, with payments to be completed no later than three months prior to the
2 end of the probation term.

3 If Respondent has not complied with this condition during the probationary term,
4 and Respondent has presented sufficient documentation of her good faith efforts to comply with
5 this condition, and if no other conditions have been violated, the Board, in its discretion, may
6 grant an extension of Respondent's probation period up to one year without further hearing in
7 order to comply with this condition. During the one year extension, all original conditions of
8 probation will apply.

9 13. **Violation of Probation.** If Respondent violates the conditions of her
10 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
11 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
12 license.

13 If during the period of probation, an accusation or petition to revoke probation has
14 been filed against Respondent's license or the Attorney General's Office has been requested to
15 prepare an accusation or petition to revoke probation against Respondent's license, the
16 probationary period shall automatically be extended and shall not expire until the accusation or
17 petition has been acted upon by the Board.

18 14. **License Surrender.** During Respondent's term of probation, if she ceases
19 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
20 probation, Respondent may surrender her license to the Board. The Board reserves the right to
21 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
22 take any other action deemed appropriate and reasonable under the circumstances, without
23 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
24 will no longer be subject to the conditions of probation.

25 Surrender of Respondent's license shall be considered a disciplinary action and
26 shall become a part of Respondent's license history with the Board. A registered nurse whose
27 license has been surrendered may petition the Board for reinstatement no sooner than the
28 following minimum periods from the effective date of the disciplinary decision:

1 (1) Two years for reinstatement of a license that was surrendered for any
2 reason other than a mental or physical illness; or

3 (2) One year for a license surrendered for a mental or physical illness.

4 15. **Physical Examination.** Within 45 days of the effective date of this
5 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
6 physician assistant, who is approved by the Board before the assessment is performed, submit an
7 assessment of the Respondent's physical condition and capability to perform the duties of a
8 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
9 medically determined, a recommended treatment program will be instituted and followed by the
10 Respondent with the physician, nurse practitioner, or physician assistant providing written
11 reports to the Board on forms provided by the Board.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed physician, nurse practitioner, or physician assistant making this determination shall
14 immediately notify the Board and Respondent by telephone, and the Board shall request that the
15 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
16 shall immediately cease practice and shall not resume practice until notified by the Board.
17 During this period of suspension, Respondent shall not engage in any practice for which a license
18 issued by the Board is required until the Board has notified Respondent that a medical
19 determination permits Respondent to resume practice. This period of suspension will not apply
20 to the reduction of this probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

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1 **16. Participate in Treatment/Rehabilitation Program for Chemical**
2 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
3 period or shall have successfully completed prior to commencement of probation a Board-
4 approved treatment/rehabilitation program of at least six months duration. As required, reports
5 shall be submitted by the program on forms provided by the Board. If Respondent has not
6 completed a Board-approved treatment/rehabilitation program prior to commencement of
7 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
8 a program. If a program is not successfully completed within the first nine months of probation,
9 the Board shall consider Respondent in violation of probation.

10 Based on Board recommendation, each week Respondent shall be required to
11 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
12 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
13 by the Board. If a nurse support group is not available, an additional 12-step meeting or
14 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
15 such attendance to the Board during the entire period of probation. Respondent shall continue
16 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
17 mental health examiner and/or other ongoing recovery groups.

18 **17. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
19 shall completely abstain from the possession, injection or consumption by any route of all
20 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
21 the same are ordered by a health care professional legally authorized to do so as part of
22 documented medical treatment. Respondent shall have sent to the Board, in writing and within
23 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
24 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
25 medication will no longer be required, and the effect on the recovery plan, if appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or
27 physician assistant who shall be aware of Respondent's history of substance abuse and will
28 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

1 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
2 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
3 condition. If any substances considered addictive have been prescribed, the report shall identify a
4 program for the time limited use of any such substances.

5 The Board may require the single coordinating physician, nurse practitioner, or
6 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
7 addictive medicine.

8 18. **Submit to Tests and Samples.** Respondent, at her expense, shall
9 participate in a random, biological fluid testing or a drug screening program which the Board
10 approves. The length of time and frequency will be subject to approval by the Board.
11 Respondent is responsible for keeping the Board informed of Respondent's current telephone
12 number at all times. Respondent shall also ensure that messages may be left at the telephone
13 number when she is not available and ensure that reports are submitted directly by the testing
14 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
15 to the Board by the program and Respondent shall be considered in violation of probation.

16 In addition, Respondent, at any time during the period of probation, shall fully
17 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
18 tests and samples as the Board or its representatives may require for the detection of alcohol,
19 narcotics, hypnotics, dangerous drugs, or other controlled substances.

20 If Respondent has a positive drug screen for any substance not legally authorized
21 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
22 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
23 from practice pending the final decision on the petition to revoke probation or the accusation.
24 This period of suspension will not apply to the reduction of this probationary time period.

25 If Respondent fails to participate in a random, biological fluid testing or drug
26 screening program within the specified time frame; Respondent shall immediately cease practice
27 and shall not resume practice until notified by the Board. After taking into account documented
28 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the

1 Board may suspend Respondent from practice pending the final decision on the petition to
2 revoke probation or the accusation. This period of suspension will not apply to the reduction of
3 this probationary time period.

4 **19. Mental Health Examination.** Respondent shall, within 45 days of the
5 effective date of this Decision, have a mental health examination including psychological testing
6 as appropriate to determine her capability to perform the duties of a registered nurse. The
7 examination will be performed by a psychiatrist, psychologist or other licensed mental health
8 practitioner approved by the Board. The examining mental health practitioner will submit a
9 written report of that assessment and recommendations to the Board. All costs are the
10 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
11 result of the mental health examination will be instituted and followed by Respondent.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed mental health care practitioner making this determination shall immediately notify
14 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
15 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
16 practice and may not resume practice until notified by the Board. During this period of
17 suspension, Respondent shall not engage in any practice for which a license issued by the Board
18 is required, until the Board has notified Respondent that a mental health determination permits
19 Respondent to resume practice. This period of suspension will not apply to the reduction of this
20 probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

28 ///

20. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing, Department of Consumer Affairs.

DATED: 5/2/05

STEPHANIE S. BARTOK
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

DATED: 5/13/05

**BILL LOCKYER, Attorney General
of the State of California**

Rebecca Heinstei
REBECCA HEINSTEIN
Deputy Attorney General

Attorneys for Complainant

Exhibit A
Accusation No. 2005-36

1 BILL LOCKYER, Attorney General
of the State of California
2 REBECCA HEINSTEIN, State Bar No. 173202
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5604
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2005-316*

12 **STEPHANIE SUZANNE BARTOK**
13 7920 Bodega Avenue, #A
Sebastopol, CA 95472

A C C U S A T I O N

14 Registered Nurse License No. 536461

Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
18 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
19 Department of Consumer Affairs.

20 2. On or about September 8, 1997, the Board of Registered Nursing issued
21 Registered Nurse Number 536461 to Stephanie Suzanne Bartok ("Respondent"). The Registered
22 Nurse License was in full force and effect at all times relevant to the charges brought herein and
23 will expire on December 31, 2004, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing
26 ("Board"), under the authority of the following laws. All section references are to the Business
27 and Professions Code unless otherwise indicated.
28

1 4. Section 2750 of the Code provides, in pertinent part, that the Board may
2 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
3 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
5 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
6 against the licensee or to render a decision imposing discipline on the license.

7 6. Section 2811(b) of the Code provides, in pertinent part, that the Board may
8 renew an expired license at any time within eight years after the expiration.

9 7. Section 2761(a) of the Code states, in pertinent part, that the board may
10 take disciplinary action against a certified or licensed nurse or deny an application for a
11 certificate or license for unprofessional conduct .

12 8. Section 2762 of the Code states, in pertinent part, that in addition to other
13 acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice
14 Act], it is unprofessional conduct for a person licensed under this chapter to do any of the
15 following:

16 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
17 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
18 or administer to another, any controlled substance as defined in Division 10 (commencing with
19 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
20 defined in Section 4022.

21 "(b) Use any controlled substance as defined in Division 10 (commencing with
22 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
23 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
24 injurious to himself or herself, any other person, or the public or to the extent that such use
25 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
26 license.

27 "(c) Be convicted of a criminal offense involving the prescription, consumption,
28 or self-administration of any of the substances described in subdivisions (a) and (b) of this

1 section, or the possession of, or falsification of a record pertaining to, the substances described in
2 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
3 thereof.

4

5 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
6 entries in any hospital, patient, or other record pertaining to the substances described in
7 subdivision (a) of this section."

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **DRUGS**

13 10. "Percocet" is a Schedule II controlled substance pursuant to Health and
14 Safety Code section 11055(b)(1)(n) and a dangerous drug pursuant to Business and Professions
15 Code section 4022.

16 11. "Vicodin," is a compound consisting of 5 mg. hydrocodone bitartrate also
17 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and
18 Safety Code section 11056(e)(4), and 500 mg. acetaminophene per tablet, and is a dangerous
19 drug pursuant to Business and Professions Code section 4022.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Obtaining and Possessing a Controlled Substance)**

22 12. Respondent is subject to disciplinary action under section 2761(a) of the
23 Code on the grounds of unprofessional conduct, as defined in section 2762(a) of the Code, in that
24 while working as a registered nurse at Novato Community Hospital in Novato, California,
25 Respondent committed the following acts:

26 a. Respondent obtained Percocet, a controlled substance, by fraud, deceit,
27 misrepresentation, subterfuge, or by concealment of a material fact, in violation of Health and
28 Safety Code section 11173(a) as follows:

1. On or about July 25, 2002 or July 26, 2002, Respondent stole patient R.S.'s¹ Health Net of California health insurance card and a prescription form for Percocet issued to patient R.S.

2. On or about July 26, 2002, Respondent posed as the wife of patient R.S., presented the prescription form to Wal-Mart Pharmacy in Rohnert Park, California, and obtained the Percocet for her personal use.

b. On or about July 26, 2002, Respondent possessed Percocet, a controlled substances, in violation of section 4060 of the Code.

SECOND CAUSE FOR DISCIPLINE

(Falsify, or Make Grossly Incorrect, Grossly Inconsistent, or Unintelligible Entries in Medical Records)

13. Respondent is subject to disciplinary action under section 2761(a) of the Code on the grounds of unprofessional conduct, as defined in section 2762(e) of the Code, in that while employed as a registered nurse at California Pacific Medical Center in San Francisco, California, she falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital or patient records pertaining to Vicodin, a controlled substance, as follows:

a. On or about March 19, 2002 at 1859 hours, Respondent withdrew two Vicodin 10/500 mg. tablets from the Pyxis for Patient A, charted the administration of one tablet of Vicodin to Patient A, yet failed to account for the disposition of the second tablet of Vicodin.

b. On or about March 19, 2002 at 2208 hours, Respondent withdrew two Vicodin 10/500 mg. tablets from the Pyxis for Patient A, charted the administration of one tablet of Vicodin to Patient A, yet failed to account for the disposition of the second tablet of Vicodin.

c. On or about March 21, 2002 at 1546 hours, Respondent withdrew two Vicodin 7.5 mg. tablets from the Pyxis for Patient B, failed to chart the administration of the Vicodin and/or failed to otherwise account for the disposition of the Vicodin.

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1. Initials are used in order to preserve confidentiality. Full patient names will be disclosed pursuant to a request for discovery.

1 d. On or about March 21, 2002 at 1807 hours, Respondent withdrew two
2 Vicodin 7.5 mg. tablets from the Pyxis for Patient B, failed to chart the administration of the
3 Vicodin and/or failed to otherwise account for the disposition of the Vicodin.

4 e. On or about March 21, 2002 at 1659 hours, Respondent withdrew two
5 Vicodin 7.5 mg. tablets from the Pyxis for Patient C, when there was no physician's orders for
6 the medication, failed to chart the administration of the Vicodin and/or failed to otherwise
7 account for the disposition of the Vicodin.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Conviction Involving Consumption of Alcoholic Beverage)**

10 14. Respondent is subject to disciplinary action under 2761(a) of the Code on
11 the grounds of unprofessional conduct, as defined by section 2762(c) of the Code, in that she was
12 convicted of a criminal offense involving the consumption of an alcoholic beverage as follows:

13 a. On or about March 10, 1992, in a criminal proceeding entitled *The People*
14 *of the State of California vs. Stephanie S. Bartok*, Municipal Court of California, County of
15 Marin, Case Number CR034582A, Respondent was convicted of violating Vehicle Code section
16 23152(b) (driving with a 0.08 or higher blood alcohol level), a misdemeanor. Respondent was
17 sentenced to three (3) years probation.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 536461, issued
22 to Stephanie Suzanne Bartok.

23 2. Ordering Stephanie Suzanne Bartok to pay the Board the reasonable costs
24 of the investigation and enforcement of this case, pursuant to Business and Professions Code
25 section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 9/2/04


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant